



Federal Communications Commission  
Washington, D.C. 20554

DA 06-1626

August 11, 2006

Raymond G. Bender  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Ave., NW  
Washington, DC 20036

Re: Call Sign: E030007  
File No.: SES-MOD-20060404-00560

Call Sign: E030008  
File No.: SES-MOD-20060404-00561

Dear Mr. Bender:

On April 4, 2006, HNS License Sub, LLC (HNS) filed the above-captioned applications seeking to modify two licenses to extend the milestone date for completing construction of these Ka-Band<sup>1</sup> earth stations until April 11, 2007. The licenses for these two stations were granted on April 11, 2003, with an initial completion of construction milestone date of April 11, 2004. This date, pursuant to requests<sup>2</sup> from HNS, was later extended to April 11, 2006. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. §25.112(a)(1), we deny your applications for additional time and, pursuant to Section 25.133(a)(1) of the Commission's rules, 47 C.F.R. §25.133(a)(1), declare the earth station licenses null and void.

Section 25.117(c) of the Commission's rules, 47 C.F.R. §25.117(c), provides that requests for extensions of time to complete earth station construction must demonstrate that the additional time is needed due to unforeseen circumstances beyond the licensee's control. HNS indicates that an extension is necessary because the space station, SPACEWAY 3, with which these remote terminals will communicate, is not expected to be launched until sometime in the first quarter of 2007. We note, however, that the earth station licenses do not permit the earth stations to communicate with SPACEWAY 3 (Call Sign S2663) which will be located at 95° W.L.<sup>3</sup> Rather, the licenses list only SPACEWAY 1 at 103° W.L. (Call Sign S2191), SPACEWAY 2 at 99° W.L. (Call Sign S2133), and DIRECTV 8 at 101° W.L. (Call Sign S2133) as points of communication. All three of these satellites are in-orbit and operational. Thus, HNS's request which is based

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<sup>1</sup> 19.7-20.2 and 29.5-30.0 GHz.

<sup>2</sup> For Call Sign E030007, *See* IBFS File Nos. SES-MOD-20040407-00527), SES-MOD-20050307-00277, and SES-MOD-20050509-00561. For Call Sign E030008, *See* IBFS File Nos. SES-MOD-20040407-00528), SES-MOD-20050307-00278, and SES-MOD-20050509-00560.

<sup>3</sup> *See* IBFS File No. SAT-LOA-20050214-00038.

upon the construction status of a satellite which the earth stations are not authorized to communicate—does not provide adequate justification for additional time. We therefore deny the request.

Further, because HNS has not met the required construction completion date in its licenses, which reflect the construction period specified in Section 25.133(a)(1) of the Commission's rules, 47 C.F.R. §25.133(a)(1), we find that the license for each of these two earth stations are null and void.

Accordingly, pursuant to Sections 25.112(a)(1) and 25.133 of the Commission's rules, 47 C.F.R. §§ 25.112(a)(1) and 25.133, and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. §0.261, we deny the above-captioned applications and declare the licenses for earth stations E030007 and E030008 null and void.

Sincerely,

Scott A. Kotler  
Chief, Systems Analysis Branch  
Satellite Division  
International Bureau